

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission’s Investigation     )  
into Continuation of the Ohio                             ) Case No. 08-439-TP-COI  
Telecommunications Relay Service                     )

**MOTION TO EXTEND PROTECTIVE ORDER**

Pursuant to the June 21, 2010 Entry (“2010 Entry”) in this proceeding and Ohio Adm.Code 4901-1-24(D), Hamilton Telephone Company d/b/a Hamilton Telecommunications (“Hamilton”) hereby moves to extend the protective order originally granted February 12, 2009. The Commission extended the protective order in the 2010 Entry for an additional 18-month period in order to keep the following sections included in Hamilton’s proposal to provide TRS in Ohio confidential and excluded from the public record: Attachment C (Quality Assurance), Attachment D (Network Maps), Attachment E (Disaster Recovery Plan), Attachment I (Financial History), Attachment L (CA Training), and Attachment M (Policy and Procedures Manual) (collectively, the “Confidential Information”).

Hamilton requests that the Commission issue such order as is necessary to continue to protect the Confidential Information. Non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code because the Commission and its Staff would continue to have full access to the Confidential Information.

The basis for this Motion may be found in the attached Memorandum of Support.

Respectfully submitted,

HAMILTON TELEPHONE COMPANY  
D/B/A HAMILTON TELECOMMUNICATIONS

\_\_\_\_\_  
/s/ Carolyn S. Flahive  
By: Carolyn S. Flahive (0072404)  
THOMPSON HINE LLP  
41 S. High Street, Suite 1700  
Columbus, Ohio 43215  
Telephone: (614) 469-3200  
Facsimile: (614) 469-3361  
Its Counsel

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission’s Investigation        )  
into Continuation of the Ohio                                ) Case No. 08-439-TP-COI  
Telecommunications Relay Service                         )

**MEMORANDUM IN SUPPORT OF  
MOTION TO EXTEND PROTECTIVE ORDER**

Hamilton Telephone Company d/b/a Hamilton Telecommunications (“Hamilton”) seeks to extend the protection of Attachments C, D, E, I, L, and M (together, the “Confidential Information”), which were filed under seal in conjunction with Hamilton’s proposal to provide TRS in Ohio. The Attachments provided the Commission with documentation relative to Pricing, Quality Assurance, Network Maps, Disaster Recovery, Financial History, CA Training and Policy and Procedures, respectively, during the bid process.

As was the case when Hamilton initially filed the Confidential Information, Hamilton considers the information to be, and has treated it as, a trade secret. The need for protection from public disclosure, as stated in Hamilton’s Memorandum of Support of its original Motion for Protective Order filed February 2, 2009 and in its Memorandum in Support of its Motion to Extend Protective Order filed June 7, 2010 (both of which are hereby incorporated by reference), continues today. It continues to be true that the Confidential Information includes detail about the operations and finances of Hamilton that would be of significant interest to competitors. Consequently, that data constitutes confidential information that should not be disclosed in the public record.

The Confidential Information constitutes trade secrets as defined in Revised Code §1333.61(D). The information (1) derives economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use, and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The Ohio Supreme Court adopted six factors to be used in determining whether a trade secret claim meets the statutory definition:

- 1) The extent to which the information is known outside the business;
- 2) The extent to which it is known to those inside the business, i.e., by the employees;
- 3) The precautions taken by the holder of the trade secret to guard the secrecy of the information;
- 4) The savings effected and the value to the holder in having the information as against competitors;
- 5) The amount of effort or money expended in obtaining and developing the information; and
- 6) The amount of time and expense it would take for others to acquire and duplicate the information.

*State ex rel. The Plain Dealer v. Ohio Dept. of Ins.*, 80 Ohio St.3d 513, 524-525 (1997).

The Confidential Information is not known outside of Hamilton and is known within Hamilton only to senior managers and a limited number of employees with a particular need to know. Hamilton has taken precautions to guard the secrecy of the Confidential Information by limiting its dissemination. Further, Hamilton expended a significant amount of time and money in developing the Confidential Information. Disclosure of the Confidential Information would harm Hamilton's competitive position in the marketplace. (See attached Affidavit of John Nelson, Vice President, Hamilton Telephone Company.) Specifically, the Confidential Information continues to be relevant to future competitive bidding opportunities in Ohio as well as in other states where Hamilton intends to submit formal, competitive bid proposals. Disclosure of the Confidential Information would place Hamilton at a significant competitive disadvantage when submitting future bids.

The protection of trade secret information from public disclosure is consistent with the purposes of Title 49 because the Commission and its Staff would continue to have access to the information. Granting protection of the Confidential Information requested herein will not impair the Commission's regulatory responsibilities given the process of selecting a vendor in this proceeding is complete.

Confidential treatment of Attachments C, D, E, I, L, and M to Hamilton's 2009 proposal to provide TRS in Ohio is therefore both appropriate and required by Ohio law and the Commission's

rules. For the foregoing reasons, Hamilton prays that its Motion to Extend Protective Order be granted and that the Confidential Information be protected from public disclosure for an additional eighteen-month period, reserving its right to seek further protection pursuant to Ohio Adm.Code 4901-1-24.

Respectfully submitted,

HAMILTON TELEPHONE COMPANY  
D/B/A HAMILTON TELECOMMUNICATIONS

By: /s/ Carolyn S. Flahive  
Carolyn S. Flahive (0072404)  
THOMPSON HINE LLP  
41 S. High Street, Suite 1700  
Columbus, Ohio 43215  
Telephone: (614) 469-3200  
Facsimile: (614) 469-3361  
Its Counsel

646770.2

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission’s Investigation     )  
into Continuation of the Ohio                             ) Case No. 08-439-TP-COI  
Telecommunications Relay Service                     )

**AFFIDAVIT OF JOHN NELSON**

STATE OF NEBRASKA

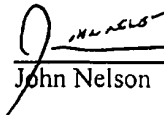
COUNTY OF HAMILTON

**NOW COMES** John Nelson, being first duly cautioned and sworn, deposes and says as follows:

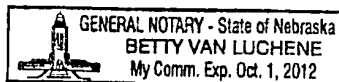
1. I am Vice President of Hamilton Telephone Company d/b/a Hamilton Telecommunications (“Hamilton”), 1001 12<sup>th</sup> Street, Aurora, Nebraska, 68818. I make this Affidavit on behalf of Hamilton, and do so in the ordinary discharge of my responsibilities.
2. I have personal knowledge of all relevant matters pertaining to the Motion to Extend Protective Order, which Hamilton is contemporaneously filing with the Public Utilities Commission of Ohio. I am authorized the make this Affidavit on behalf of Hamilton.
3. Hamilton continues to consider the information filed under seal in this proceeding on February 2, 2009 as Attachments C, D, E, I, L, and M, (the “Confidential Information”) to be confidential.
4. The Confidential Information is not otherwise available to the general public, and includes detail about the operations and finances of Hamilton that would be of significant interest to competitors. Consequently, Hamilton is requesting that the Confidential Information not be disclosed to the public.
5. Hamilton considers the Confidential Information to be, and has treated it as, a trade secret. As a result, the need to protect the Confidential Information from public disclosure continues today.

6. The Confidential Information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means, by other persons who can derive economic value from its disclosure or use.
7. The Confidential Information is provided only to Hamilton's senior management and a restricted list of employees who have a particular need to know the Confidential Information.
8. The Confidential Information continues to be indicative of Hamilton's current and future business plans and, therefore, public disclosure of the Confidential Information would place Hamilton at a competitive and economic disadvantage.
9. The Confidential Information is the subject of efforts by Hamilton that are reasonable under the circumstances to maintain its secrecy.
10. Hamilton has expended a significant amount of time and money to develop the Confidential Information. Disclosure of the Confidential Information would harm Hamilton's competitive position in the marketplace and place Hamilton at a significant competitive disadvantage when submitting future bids in Ohio and elsewhere.
11. The Confidential Information is not outdated or stale and it continues to be true that competitors could unfairly benefit from its public disclosure, especially with respect to future competitive bidding opportunities where Hamilton intends to submit formal, competitive bid proposals.

**FURTHER AFFIANT SAYETH NAUGHT.**

  
\_\_\_\_\_  
John Nelson

Sworn to before me and subscribed in my presence this <sup>4<sup>th</sup></sup> 12 day of October 2011.



  
\_\_\_\_\_  
Notary Public

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Motion to Extend Protective Order and Memorandum in Support was served upon the following by electronic mail this 12th day of October 2011.

/s/ Carolyn S. Flahive  
Carolyn S. Flahive

Jon F. Kelly  
AT&T Communications of Ohio, Inc.  
150 E. Gay Street, Room 4-A  
Columbus, Ohio 43215

jk2961@att.com

Benjamin J. Aron  
Sprint Nextel Corporation  
2001 Edmund Halley Drive  
Mailstop: VARESP0201-208  
Reston, Virginia 20191

Benjamin.Aron@sprint.com

Stephen M. Howard  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008

smhoward@vorys.com

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**10/12/2011 2:48:33 PM**

**in**

**Case No(s). 08-0439-TP-COI**

Summary: Motion to Extend Protective Order electronically filed by Carolyn S Flahive on behalf of Hamilton Telecommunications